

P.C. Hearing Date 11/18/92
Agenda Item No.

**FIRST AMENDMENT TO THE
DRAFT ENVIRONMENTAL IMPACT REPORT**

**CONSISTING OF COMMENTS, RESPONSES TO
COMMENTS, AND TEXT REVISIONS**

for the

**RICHMOND RANCH
RESIDENTIAL DEVELOPMENT**

(PDC 91-10-081)

**CITY OF SAN JOSE
November 1992**

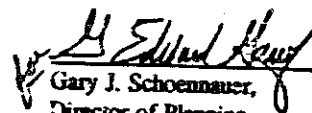

Gary J. Schoenmaier,
Director of Planning

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**I. LIST OF PERSONS AND AGENCIES COMMENTING
ON THE DRAFT EIR**

<u>Agency/Individual</u>	<u>Response Required</u>	<u>Date Received</u>
Santa Clara Valley Water District (SCVWD)	Yes	November 4, 199
Santa Clara County Parks and Recreation Department	Yes	October 30, 199
Santa Clara County Transportation Agency	Yes	November 4, 199
California Archaeological Society	No	September 27, 19

II. RESPONSES TO COMMENTS ON THE DRAFT EIR

A. RESPONSES TO COMMENTS ON THE DRAFT EIR FROM THE SANTA CLARA VALLEY WATER DISTRICT DATED OCTOBER 30, 1992

- A.1 COMMENT: The site is traversed by three District facilities, Thompson Creek adjacent to San Felipe Road, Misery Creek to the north, and Hawk Creek through the center of the site. It appears from the plans that the subwatershed boundaries of these three facilities will be affected. We need to see the exact boundaries of the site on the watershed map enclosed with this letter.

RESPONSE: A copy of the USGS topographical map showing the project site and the watershed areas for Misery, Hawk, and Thompson Creeks is provided as Attachment C in Section III of this Amendment to the Draft EIR.

- A.2 COMMENT: In the late 1970's, the District developed design flood flow rates based on the General Plans of Santa Clara County and the cities within the county. The land uses within the City's urban service area in 1976 were of an urban developed nature. Our hydrology and flow rates were based on the runoff from an urban environment. This site was located outside the limits of the urban service area resulting in flow rates based on runoff from a rural, less impervious, environment. Many downstream flood control facilities have been constructed or are currently proposed based on our 1978 hydrologic studies. Increases in the density of development and resultant increases in runoff will adversely impact our downstream flood control improvements.

Therefore, an assessment of cumulative runoff impact of this development on our downstream flood control facilities including Lake Cunningham should be provided for our review.

RESPONSE: Pre- and post-development runoff volumes were calculated for the proposed project based on the standards contained in the Santa Clara County Drainage Manual. These volumes are shown on page 35 of the DEIR. The calculations are added as Appendix I of the Draft EIR (see Attachment D) in Section III of this Amendment to the Draft EIR. As described in the DEIR, the post-development runoff flows from the site would decrease from the project, due to the reduction in the tributary area, reduction of slope on the site, and the addition of topsoil for landscaping. Since the project would not increase runoff from the site, it would not result in any downstream flooding impacts or contribute to cumulative runoff impacts.

- A.3 COMMENT: The DEIR shows the pre- and post-development peak storm runoff quantities on page 35. Calculations of peak flows and volumes for pre- and post-development conditions showing the induced flooding due to the proposed development should be provided.

RESPONSE: Calculations of peak flows and volumes for pre- and post-development conditions are added as Appendix I in Section III of this Amendment to the Draft EIR. As described in the EIR, peak flows after development would be slightly less than existing peak flows and would not result in any downstream flooding impacts.

A.4 COMMENT: Federal flood maps indicate that the site would not be subject to flooding; however, flood studies did not include Misery or Hawk Creeks. As such, these creeks may not be adequate to convey the 1 % flood flow and adjacent lands may be subject to flooding. If flooding is induced downstream, mitigation measures, such as detention facilities, should be included with the proposed development.

RESPONSE: Flood elevations for Misery and Hawk Creeks were completed by the project engineer and provided to the SCVWD. These elevations indicate that the creeks would be adequate to convey the 1 % flood flow with implementation of the proposed project. As described previously, the project would not increase runoff from the site and, therefore, would not induce downstream flooding impacts.

B. RESPONSES TO COMMENTS ON THE DRAFT EIR FROM THE SANTA CLARA COUNTY PARKS AND RECREATION DEPARTMENT DATED OCTOBER 30, 1992

B.1 COMMENT: PROPOSED SITE PLAN: In our response to the Notice of Preparation, we requested that the applicant modify the site plan lot layout to be more sensitive to the character of the site. The redesign proposed in the DEIR appears to be more sensitive to hydrological and biological concerns associated with the existing riparian corridors located on this site.

RESPONSE: The above comment is noted.

B.2 COMMENT: SERVICES & UTILITIES: In our response to the Notice of Preparation we raised a concern regarding the fact that a majority of the project is located outside the City of San Jose's Urban Service Area. The DEIR indicates that the City of San Jose has the resources to provide the needed urban services to this project but does not specifically address the limits of the City's Urban Service Area.

RESPONSE: The portion of the project site designated for residential land uses is located within the City's Urban Service Area. Only the portion of the site above the 15 percent slope line designated for open space uses is located outside of the Urban Service Area. Since the proposed residential development would be located within the Urban Service Area, it does not represent an expansion of this boundary and would not result in impacts to City services.

B.3 COMMENT: Parks: The DEIR indicates a need for 3.1 additional acres of neighborhood serving park land in the area. We agree with the City's Department of Recreation, Parks, and Community Services that the project should be tied-in with future development of the remaining residential developments to the north (including the Meadowlands complex) to meet the needs for park services in the area. In addition, the project should provide the following: 1) extend the Thompson Creek Trail corridor by dedicating land and constructing a 10-foot trail and 25-foot trail corridor along San Felipe Road, 2) dedicate 3.1 acres of land on the site for a public turn-key park facility, and 3) place a public open space easement across the site to provide connection with a future Ridge Trail.

RESPONSE: The Santa Clara County Parks and Recreation Department's concerns regarding parks and trails on the project site are noted. As described on page 101 of the DEIR, the City's Parkland Dedication Ordinance requires the dedication of parkland and/or the payment of fees for park

impacts resulting from residential development. At present, the City and County General Plans do not designate any park facilities or trail alignments within the project boundaries. It is anticipated that the project would provide in-lieu mitigation fees for impacts to park services.

The following trail improvements are proposed as part of the project: 1) construction of a four foot wide paved path between the project site and the Meadowlands development within the existing right-of-way of San Felipe Road, and 2) construction of a six foot wide paved path with a two foot shoulder along San Felipe Road within the project boundaries (separated by the travel way by at least five feet).

- B.4 COMMENT: While we are pleased to see that a trail will be included along Thompson Creek as part of the project development, we were disappointed to see that this will only be a four-foot wide path. Given the high level of trail use throughout the City and County, this width does not seem adequate especially considering that this will be the only non-motorized access to the new elementary school that is proposed for this area. We recommend a continuous trail connection from Richmond Ranch to the Meadowlands. This trail should be a minimum of ten-foot wide with two-foot wide shoulders on each side of the trail. The trail should be located within a 25' easement. This type of alignment follows our County standard for multi-use trails. These provisions would better accommodate future use while offering enough room to provide a safe buffer between motorized and non-motorized use. A ten-foot wide trail would also allow access for maintenance and patrol vehicles. The only other safe alternative would be to keep a four-foot wide pedestrian trail and then modify the current road to provide a striped, five-foot wide bicycle lane on each side of the road (Class II bike facility).

RESPONSE: As described in response to the previous comment, the project proposes to construct a four to eight foot wide, paved path from the project site to the Meadowlands development. This path is consistent with the existing path located along San Felipe Road adjacent to the Meadowlands development and would be consistent with City standards for a pedestrian/bicycle path in this area.

C. RESPONSE TO LETTER ON THE DRAFT EIR FROM THE SANTA CLARA COUNTY TRANSPORTATION AGENCY, DATED OCTOBER 30, 1992

- C.1 COMMENT: It is not clear from the Draft EIR whether the City of San Jose plans to annex San Felipe Road into the City's street system. Currently, San Felipe Road fronting the site is a County maintained road. If the City is planning to annex San Felipe Road, then it is recommended that full width of San Felipe Road to be annexed to the City. If this is the case, we have no requirements relative to San Felipe Road. The City should set the dedication and improvement requirements for San Felipe Road.

If City of San Jose is not planning to annex the full width of San Felipe Road, then it is recommended that the City require the developer to dedicate and improve 30 ft. half street along the site's San Felipe Road. In addition, the "San Felipe Road Issues" discussed on Pages 76, 77, 78 of the Draft EIR, i.e. Sight Distance, the sharp curve in San Felipe Road between Meadowlands Lane and Old Silver Creek Road, and the upgrades and improvements of existing bridges along San Felipe Road in the project's vicinity, should be mitigated based upon Caltrans' as well as County Standards, and to the satisfaction of this Agency.

RESPONSE: The project proposes to dedicate and improve the 30 foot half street along San Felipe Road adjacent to the project site. The City has annexed San Felipe Road on July 8, 1992. All roadway improvements would be completed to the satisfaction of the Director of Public Works.

- C.2 COMMENT: On Page 78, Mitigation Measures are listed. It is observed that a reference is made to the Capitol Expressway widening and intersection improvements included in the Evergreen Specific Plan (ESP). It should be noted that as of now ESP improvements are not an approved plan. The required mitigation to Capitol Expressway should be this developer's responsibility in the event ESP project does not proceed as planned.

RESPONSE: As described in the Transportation section of the DEIR on pages 57-78, 35 percent of the project traffic would travel through the Evergreen area and would be subject to the transportation policies of the EDP. These 91 units are not proposed for development until completion of the identified EDP improvements, as outlined in the mitigation section on page 78 of the DEIR.

- C.3 COMMENT: On Page 57 of the Draft EIR, there is a discussion of Public Transit Service. The text of the Draft EIR should be revised to state Route 31 instead of Route 71 as mentioned.

RESPONSE: The DEIR has been corrected to revise Route 71 to Route 31 in Section III of this Amendment.

- C.4 COMMENT: In addition, it is stated that there are no current long term plans to extend bus service south of the Villages on San Felipe Road. This is true.

RESPONSE: Comment noted.

III. REVISIONS TO THE TEXT OF THE DRAFT EIR

THE FOLLOWING SECTION CONTAINS REVISIONS TO THE TEXT OF THE DRAFT EIR. ALL DELETIONS ARE SHOWN WITH A LINE THROUGH THE TEXT, AND ALL NEW TEXT IS UNDERLINED.

Page 5, Figure 4, is revised as shown in Attachment A.

Page 6, third paragraph, the last two sentences are revised as follows:

In addition, the project proposes to provide a four to ~~eight~~ six foot wide pedestrian/bicycle path adjacent to San Felipe Road along the west property boundary. Specifically, the proposed trail improvements would consist of the following: 1) construction of a four foot wide paved path between the project site and the Meadowlands development within the existing right-of-way of San Felipe Road, and 2) construction of a six foot wide paved path with a two foot shoulder along San Felipe Road within the project boundaries (separated by the travel way by at least five feet). This path would extend from the southerly entrance in the project site to connect with the existing path at the Meadowlands development.

Page 13, revise paragraph 2 as follows:

A NPDES permit ~~is currently being prepared by the State Water Resource Control Board that is expected to be~~ was adopted October 1, 1992. This permit will require the implementation of storm water management practices both during and after construction activities for projects ~~greater than five acres that are five acres or greater in size.~~

Consistency: The proposed project would design drainage facilities and implement storm water management practices during construction and post construction in accordance with the Santa Clara Valley Nonpoint Source Program and NPDES requirements.

Page 36, revise paragraph 3 as follows:

A NPDES permit ~~is currently being prepared by the State Water Resource Control Board that is expected to be~~ was adopted October 1, 1992. This permit will require the implementation of storm water management practices both during and after construction activities for projects ~~greater than five acres that are five acres or greater.~~ The project will follow the requirements of the Santa Clara Valley Nonpoint Source Control Program and the NPDES permit.

Page 57, last paragraph, Route 71 is changed to Route 31.

Page 101, fourth paragraph, the first two sentences are revised as follows:

The project would provide a four to ~~eight~~ six foot wide pedestrian/bicycle path adjacent to Thompson Creek, along the west property boundary. Specifically, the proposed trail improvements would consist of the following: 1) construction of a four foot wide paved path between the project site and the Meadowlands development within the existing right-of-way of San Felipe Road, and 2) construction of a six foot wide paved path with a two foot shoulder along San Felipe Road within

the project boundaries (separated by the travel way by at least five feet). This path would extend from the Meadowlands complex to the southern entrance to the project.

Add Attachment C, Figure 12a to the Drainage Section of the Draft EIR.

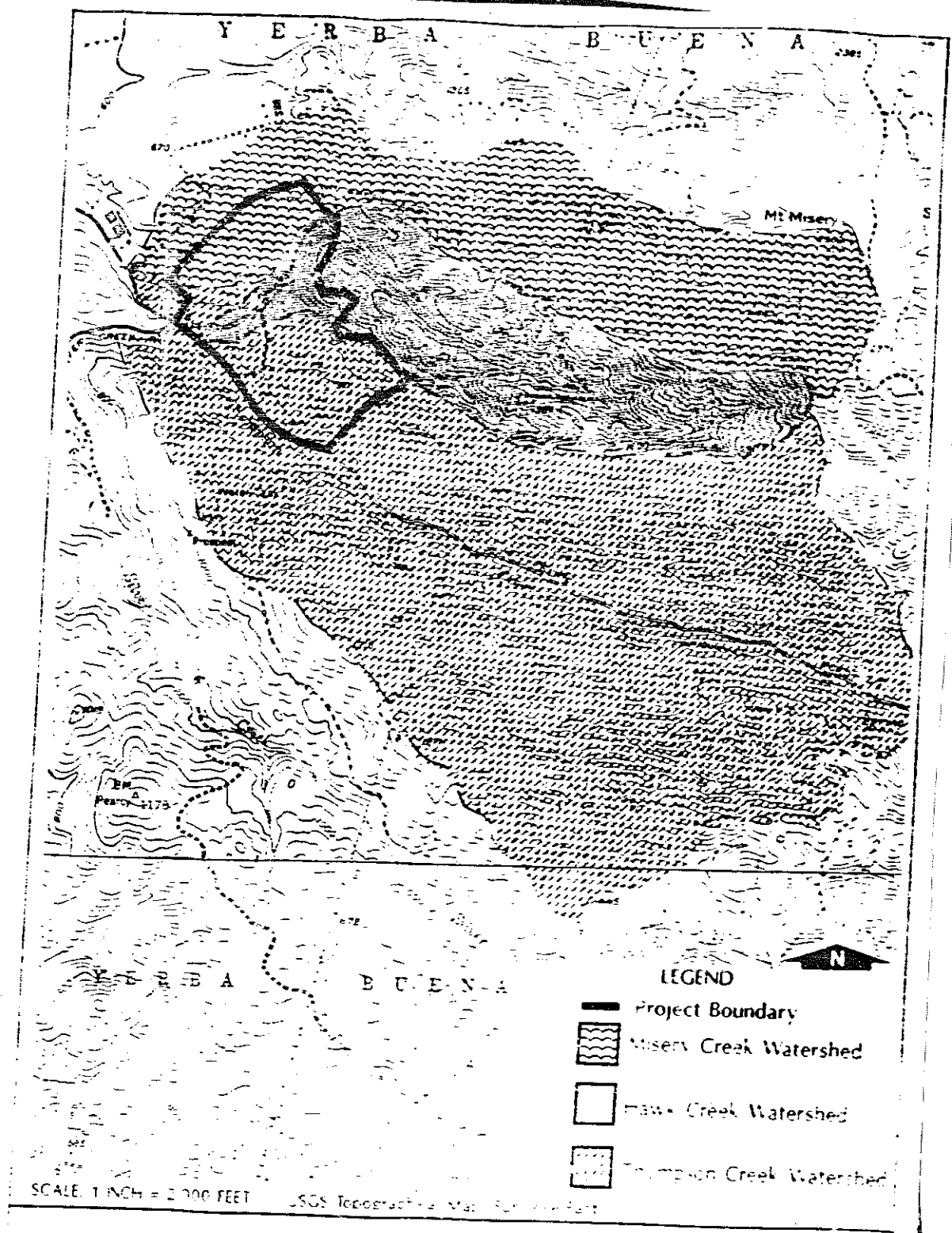
Add Attachment D, (Storm Runoff Calculations) as Appendix I of the Draft EIR.



SYMBOL	LAND USE CATEGORY	AREA (in ac)	PERCENT	DENSITY
	SINGLE FAMILY DETACHED RESIDENTIAL	87	44	1.75
	PUBLIC STREET	24	12	N/A
	PRIVATE OPEN SPACE	87	32	N/A
	PUBLIC AREA DESIGNATION (SPECIALIZED LANDMARK)	23	19	N/A
	TOTAL	196	100	1.72

1" = 1/4 MILE

LAND USE MAP



WATERSHED MAP

FIGURE 24

Santa Clara Valley Water District



5750 ALMADEN EXPRESSWAY
SAN JOSE, CA 95118-3686
TELEPHONE (408) 265-2600
FACSIMILE (408) 265-0271
AN AFFIRMATIVE ACTION EMPLOYER

RECEIVE

NOV 04 1992

CITY OF SAN JOSE
PLANNING DEPARTMENT

October 30, 1992

Ms. Susan Walsh
City of San Jose Planning
801 North First Street
San Jose, CA 95110-1795

Dear Ms. Walsh:

The District has reviewed the Draft Environmental Impact Report (DEIR) for the proposed Richmond Ranch, File PDC 91-10-081, and has the following comments:

Drainage and Flooding:

The site is traversed by three District facilities, Thompson Creek adjacent to San Felipe Road, Misery Creek to the north, and Hawk Creek through the center of the site. It appears from the plans that the subwatershed boundaries of these three facilities will be affected. We need to see the exact boundaries of the site on the watershed map enclosed with this letter.

In the late 1970's, the District developed design flood flow rates based on the General Plans of Santa Clara County and the cities within the county. The land uses within the City's urban service area in 1976 were of an urban developed nature. Our hydrology and flow rates were based on the runoff from an urban environment. This site was located outside the limits of the urban service area resulting in flow rates based on runoff from a rural, less impervious, environment. Many downstream flood control facilities have been constructed or are currently proposed based on our 1978 hydrologic studies. Increases in the density of development and resultant increases in runoff will adversely impact our downstream flood control improvements.

Therefore, an assessment of cumulative runoff impact of this development on our downstream flood control facilities including Lake Cunningham should be provided for our review.

The DEIR shows the pre- and post-development peak storm runoff quantities on Page 35. Calculations of peak flows and volumes for pre-and post-development conditions showing the induced flooding due to the proposed development should be provided.

Federal flood maps indicate that the site would not be subject to flooding; however, flood studies did not include Misery or Hawk Creeks. As such, these creeks may not be adequate to convey the 1% flood flow and adjacent lands may be subject to flooding. If flooding is induced downstream, mitigation measures, such as detention facilities, should be included with the proposed development.



Ms. Susan Walsh

2

October 30, 1992

Any questions may be referred to Usha Chatwani at 265-2607, extension 2322.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marc J. Klemencic". The signature is fluid and cursive, with a long horizontal stroke at the end.

Marc J. Klemencic
Division Engineer
Design Coordination Division

Enclosure: Watershed Map

County of Santa Clara

Public Services Agency
Parks and Recreation Department

298 Garden Hill Drive
Los Gatos, California 95030
(408) 358-3741, Reservations 358-3751



October 30, 1992

Susan Walsh
Department of Planning
City of San Jose
801 N. First Street
San Jose, CA 95110

RE: DEIR RICHMOND RANCH RESIDENTIAL DEVELOPMENT (PDC 1-10-891)

Dear Ms. Walsh:

The Santa Clara County Parks and Recreation Department appreciates the opportunity to comment on the above mentioned DEIR. In the NOP, the County Parks and Recreation Department raised concerns regarding trail corridors along San Felipe Road and Thompson Creek and its tributaries, hillside open space, and neighborhood serving parkland. Our comments pertaining to the DEIR are provided below.

PROPOSED SITE PLAN

In our response to the Notice of Preparation, we requested that the applicant modify the site plan lot layout to be more sensitive to the character of the site. The redesign proposed in the DEIR appears to be more sensitive to hydrological and biological concerns associated with the existing riparian corridors located on this site.

SERVICES & UTILITIES

In our response to the Notice of Preparation we raised a concern regarding the fact that a majority of the project is located outside the City of San Jose's Urban Service Area. The DEIR indicates that the City of San Jose has the resources to provide the needed urban services to this project but does not specifically address the limits of the City's Urban Service Area.

Parks

The DEIR indicates a need for 3.1 additional acres of neighborhood serving park land in the area.

We agree with the City's Department of Recreation, Parks and Community Services that the project should be tied-in with future development of the remaining residential developments to the north (including the Meadowslands complex) to meet the needs for park services in the area. In addition, the project should provide the following: 1) extend the Thompson Creek Trail corridor by dedicating land and constructing a 10-foot trail and 25-foot trail corridor along San Felipe Road, 2) dedicate 3.1 acres of land on the site for a public turn-key park facility, and 3) place a public open space easement across the site to provide connection with a future Ridge Trail.



Board of Supervisors: Michael M. Honda, Zoe Lofgren, Ron Gonzales, Rod Dodson, Dierne McKenna
County Executive: Gary A. Reed

5

While we are pleased to see that a trail will be included along Thompson Creek as part of the project development, we were disappointed to see that this will only be a four-foot wide path. Given the high level of trail use throughout the City and the County, this width does not seem adequate especially considering that this will be the only non-motorized access to the new elementary school that is proposed for this area. We recommend a continuous trail connection from Richmond Ranch to the Meadowlands. This trail should be a minimum of ten-foot wide with two-foot wide shoulders on each side of the trail. The trail should be located within a 25' easement. This type of alignment follows our County standard for multi-use trails. These provisions would better accommodate future use while offering enough room to provide a safe buffer between motorized and non-motorized use. A ten-foot wide trail would also allow access for maintenance and patrol vehicles. The only other safe alternative would be to keep a four-foot wide pedestrian trail and then modify the current road to provide a striped, five-foot wide bicycle lane on each side of the road (Class II bike facility).

Again, thank you for the opportunity to comment on the DEIR for the Richmond Ranch Residential Development.

Sincerely,


JULIE BONDURANT
Park Planner

cc: Alan La Fleur
Dave Pierce
Elish Ryan
Bill Ventura
J.P. Tindell, City Parks
Joel Slavit, City Parks



San Jose County Transportation Agency
An Agency of the County of Santa Clara

P.O. Box 611900, San Jose, CA 95161-190

October 30, 1992

Susan Walsh
Department of City Planning
City of San Jose
801 North First Street
San Jose, CA 95110

RECEIVED

NOV 4 - 1992

CITY OF SAN JOSE
PLANNING DEPARTMENT

Subject: Draft Environmental Impact Report (EIR)
Richmond Ranch

Dear Ms. Walsh:

Your September 14, 1992 letter along with the subject Draft EIR for Richmond Ranch has been reviewed. Our comments are as follows:

1. It is not clear from the Draft EIR whether the City of San Jose plans to annex San Felipe Road into the City's street system. Currently, San Felipe Road fronting the site is a County maintained road. If the City is planning to annex San Felipe Road, then it is recommended that full width of San Felipe Road be annexed to the City. If this is the case, we have no requirements relative to San Felipe Road. The City should set the dedication and improvement requirements for San Felipe Road.

If City of San Jose is not planning to annex the full width of San Felipe Road, then it is recommended that the City require the developer to dedicate and improve 30 ft. half street along the site's San Felipe Road. In addition, the "San Felipe Road Issues" discussed on Pages 76, 77, and 78 of the Draft EIR, i.e. Sight Distance, the sharp curve in San Felipe Road between Meadowlands Lane and Old Silver Creek Road, and the upgrades and improvements of existing bridges along San Felipe Road in the project's vicinity, should be mitigated based upon Caltrans' as well as County Standards, and to the satisfaction of this Agency.

2. On Page 78, Mitigation Measures are listed. It is observed that a reference is made to the Capitol Expressway widening and intersection improvements included in the Evergreen Specific Plan (ESP). It should be noted that as of now ESP improvements are not an approved plan. The required mitigation to Capitol Expressway should be this developer's responsibility in the event ESP project does not proceed as planned.

3. On Page 57 of the Draft EIR, there is a discussion of Public Transit Service. The text of the Draft EIR should be revised to State Route 31 instead of Route 71 as mentioned.

In addition, it is stated that there are no current long term plans to extend bus service south of the Villages on San Felipe Road. This is true.

Board of Supervisors: Michael M. Honda, Zoe Lofgren, Ron Gonzales, Ron Chao, Dianne M. Herrera

Susan Walsh
Page 2
October 30, 1992

Please call me at 321-5757 if you have any questions.
We thank you for the opportunity to review this matter.

Sincerely,

[Signature]
10/30/92

ASHOK VYAS
PROJECT ENGINEER

AV:kh

cc: VCH
VLK
KU
RGH

24 September 1992

re: PDC 91-10-081 for Richmond Ranch

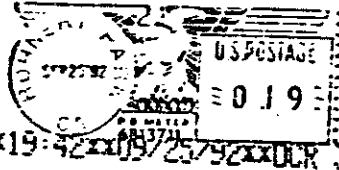
Dear Ms. Walsh:

Our office has no additional comment on the above referenced project. However, thank you for your interest in protecting cultural resources.

Sincerely,

Leigh Jordan
Leigh Jordan
Assistant Coordinator

CALIFORNIA ARCHAEOLOGICAL INVENTORY
Northwest Information Center
Department of Anthropology
Sonoma State University
Rohnert Park, CA 94928



NORTHEAST CA 94928 19-42109/25/92XDLR 3

Susan Walsh
Dept. of City Planning
801 North First St.
San Jose CA 95110



P.C. 11/18/92
Agenda Item No. 4.c.
File No. PDC 91-10-081

SECOND AMENDMENT TO THE
DRAFT ENVIRONMENTAL IMPACT REPORT
CONSISTING OF COMMENTS, RESPONSES TO COMMENTS,
AND TEXT AMENDMENTS
FOR THE RICHMOND RANCH
PLANNED DEVELOPMENT REZONING
PDC 91-10-081

CITY OF SAN JOSE
November 1992


for Gary J. Schoennauer
Director of Planning

SECTION II

A. RESPONSE TO COMMENTS FROM ROB CORLEY, RECEIVED NOVEMBER 12, 1992.

1. COMMENT: The East Side Union High School District offers the following comments for consideration by the Planning Commission during its hearing on the Richmond Ranch Draft Environmental Impact Report. As you know, the high school district has been working with city officials and others for many months to find a means of providing new and expanded school facilities to serve new residential projects. Unfortunately, a school facility funding program will not be in place to secure adequate high schools for the Richmond Ranch project.

Project's Impact on Schools

Page 99 of the Draft EIR correctly notes that Silver Creek High School is operating at 96% of capacity and will soon be filled with students from existing homes and projects expected to be built before the Richmond Ranch is developed. All surrounding high schools are at or near capacity, leaving no space available for the 52 students expected from this project.

Cumulative Impact on School from Development in the Evergreen Area is Significant

This DEIR contains a good discussion of the cumulative impact of development on the City's east side. It is generally accepted that state mandated school fees are insufficient to meet the needs created by new housing.

RESPONSE: Comment noted.

2. COMMENT: Quoting from the top of page 109:

If the state mandated school fees are insufficient to fund the necessary school requirements, the school improvements can be financed by utilizing Mello-Roos funding and exacting fees or contributions from development as conditions of approval.

Text then goes on to offer a series of steps to balance facilities and enrollment. In previous correspondence and testimony, the East Side Union High School District has attempted to explain why the options listed will not eliminate the high school crowding problem. The only practical option is increased use of portable classrooms.

which by their very nature are a temporary solution to a permanent increase in the area's housing stock. No other public service provider is asked to make due forever with temporary measures. As perceptively noted in the Draft EIR, without funding for a new high school there will be significant overcrowding of schools which will lead to an unacceptable level of service for all students in this area of the city.

Conclusion

The East Side Union High School District requests that the Draft EIR be amended to include an explicit mitigation measure requiring that this project contribute its fair share of the cost of a new high school designed to serve growth on the city's east side. Such contribution, through a one-time fee or establishment of a Mello-Roos authority, will mitigate the identified cumulative impact and allow orderly expansion of schools to serve the planned residential growth in the city of San Jose. Without such mitigation, the Draft EIR and the project should not be approved.

RESPONSE: The Draft EIR identifies that the proposed project will result in a fiscal impact relative to school facilities. This fiscal impact is not expected to result in a significant environmental impact. Page 109 of the EIR indicates that if state-mandated impact fees are not adequate to provide new school facilities, the school districts could employ a variety of measures to accommodate cumulative student increases including boundary adjustments, busing, open enrollment, year-round schools and portable classrooms. Portable classrooms have been used extensively in the past to provide for increasing enrollments without building new schools.

SECTION III
REVISIONS TO TEXT OF THE DRAFT EIR

The following items are revisions to the text of the Draft EIR. All deletions are indicated with a line through the text (strike through) and new wording is underlined.

Page 13

Revise consistency statement under first paragraph number 3.

LOCAL PLANS AND POLICIES:

Consistency: The project would be consistent with the General Plan land use designations for the site and with the policies and goals of the General Plan.

Page 13

Revise last sentence in paragraph 2:

Consistency: The project would be consistent with the City's urban design policies to preserve neighborhood character, provide open space, and utilize contour grading. The project would also be consistent with Policy #13, since the project includes reduced street widths. ~~However, the project would not be consistent with Urban Policies #24 and portions of #12, since the project proposes to remove several ordinance size trees and grade slopes in excess of 50 percent for development (lots 104, 105, 163, and 258), and is not utilizing sensitive grading techniques.~~ The project is consistent with the intent of Policy #24 since it proposes to replace all ordinance-sized trees, and is generally consistent with the general intent of Policy #12 since the resulting contours will resemble the natural character of the hills.

Page 20

Revise Paragraph two as follows:

The project proposes 260 units on 111 acres of the property designated for Low Density Residential uses (2 units per acre). This represents a density of 1.7 units/acre on the area of the site designated for residential uses, which is consistent with the General Plan designation. The remaining 85 acres of the site would be preserved in open space in conformance with the General Plan designation for Private Open Space on this portion of the site. The project would remove 26 ordinance size trees on the site. ~~This would not be consistent with the City's Urban Design Policy #24 calling for new development to preserve ordinance sized or significant trees. In addition, the project would not be consistent with Urban Policies #12 and #13 which~~

call for the use of sensitive grading to preserve the natural character of the hill, and discourages development on 30 percent slopes. This project is consistent with the intent of Policy #24 since it proposes to replace all ordinance-sized trees, and is consistent with the overall intent of Policy #12 since the resulting contours will resemble the natural character of the hills.

SW:hs
Rich2/75

Rob Corley

Consultant, School Facilities & Planning

4882 McGrath Street #310

Ventura, California 93003

[FAX (805) 658-6433]

(805) 658-2995

November 10, 1992

Susan Walsh
Department of City Planning
City of San José
801 North First Street
San Jose, California 95110

RECEIVED
NOV 12 1992

CITY OF SAN JOSE
PLANNING DEPARTMENT

SUBJECT: Comments on PDC 91-10-081
Richmond Ranch Draft EIR

FROM: East Side Union High School District

Dear Ms. Walsh,

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Cumulative Impact on School from Development in the Evergreen Area is Significant
This DEIR contains a good discussion of the cumulative impact of development on the city's east side. It is generally accepted that state mandated school fees are insufficient to meet the needs created by new housing.

Comments of the East Side Union High School District
Richmond Ranch Draft EIR
November 10, 1992
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CITY OF SAN JOSE
PLANNING DEPARTMENT

Quoting from the top of page 109:

If the state mandated school fees are insufficient to fund the necessary school requirements, the school improvements can be financed by utilizing Mello-Roos funding and exacting fees or contributions from development as conditions of approval.

Text then goes on to offer a series of steps to balance facilities and enrollment. In previous correspondence and testimony the East Side Union High School District has attempted to explain why the options listed will not eliminate the high school crowding problem. The only practical option is increased use of portable classrooms, which by their very nature are a temporary solution to a permanent increase in the area's housing stock. No other public service provider is asked to make due forever with temporary measures. As perceptively noted in the Draft EIR, without funding for a new high school there will be significant overcrowding of schools which will lead to an unacceptable level of service for all students in this area of the city.

Conclusion

The East Side Union High School District requests that the Draft EIR be amended to include an explicit mitigation measure requiring that this project contribute its fair share of the cost of a new high school designed to serve growth on the city's east side. Such contribution, through a one-time fee or establishment of a Mello-Roos authority, will mitigate the identified cumulative impact and allow orderly expansion of schools to serve the planned residential growth in the city of San José. Without such mitigation, the Draft EIR and the project should not be approved.

Please contact the undersigned or Paul Fettig of the East Side Union High School District (408-272-6451) if there are any questions concerning this issue.


Rob Corley

cc: Mr. Paul Fettig, East Side Union High School District
Dr. Clarke Schiller, Evergreen School District